

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-5, 7 and 9-12 are pending in the application. Of these claims 1-5, 7, 11 and 12 have been allowed leaving for consideration only claims 9 and 10.

In the Official Action the examiner questions enablement for various aspects of claim 9 as presented in the Amendment of February 7, 2008. In the above amendments, claim 9 has been revised to refer to type 2 diabetes, the treatment of insulin resistance and the treatment of hyperlipidemia, specific embodiments of the invention that together with Syndrome X find enablement in the description.

Applicants advise the examiner's concerns regarding enablement are addressed in the description of the invention, in particular at page 83 of the specification. This passage explains that the animal model used in the working examples, i.e. the C57BL/KsJ db/db mouse, is well known in the art as being predictive for diabetes and its complications, obesity, and in particular hyperlipidemia and insulin resistance. For completion of the record filed concurrently herewith is an Information Disclosure Statement with copies of the three literature articles referred to in the first and third paragraphs of page 83 of the description.

The three articles included in the attached IDS were discussed briefly with Examiner Young and the undersigned on August 4, 2008. It is counsel's understanding that these articles will be considered during further review of this application.

Applicants submit that on the basis of this record including information contained in the as-filed specification, claim 9 as above presented is enabled (and claim 10 as well) and should be allowed together with claims 1-5, 7, 11 and 12. Should the examiner require further information or wish to discuss this matter, please contact the undersigned by telephone.

GIANNESI et al
Appl. No. 10/501,135
August 7, 2008

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100